



**AFRICAN REGIONAL GROUP
INTERNATIONAL ASSOCIATION OF JUDGES**

**Summary Report of the meeting in
Mexico City (Mexico), 16 October 2016**

The meeting was chaired by Mr. Musi, President of the African Group, with the participation of the Deputy Secretary General of the IAJ, Mr. Aschettino, as well as the following delegates of the member associations of the International Association of Judges and of the African Regional Group:

Algeria	Mr. Aidouni Djamel ; Mr. Sekka Loufjer ; Mr. Khaloufi Arezki ;
Benin	Mr. Metonou Mario; Mrs. Bongine Mbulawa
Guinea Bissau	Mr. Samanise Zanbosci; Mrs. Noemia Gomes
Ivory Coast	Mrs. Kouassi Affoué Marcelle ; Mrs. Doukron Eugenie; ; Mr. Ndri N Guesson Mathurin ;
Liberia (observer)	Mr. Z. Willie Roosevelt
Morocco	Mr. Mohamed Khadraoui ; Mr. Redouane Mohamed;
Niger	Mr. Nouhou Aboubacar ; Mr. Mahamadou Mourtala;
Sao Tomè e Principe (observer)	Mrs. Nadgeida Castro; Mrs. Kotda Solange Menezes; Mr. Menis Rosario
Senegal	Mr. Abdoul Aziz Danfakha ; Mr. Aliou Dia ;
South Africa	Mrs. Bongiwe Primrose
Tunisia	Mrs. Aicha Benbelhassen ; Mr. Mohamed Karim Boutila ;
Togo	Mr. Baba Yara Affo Lamine

1. Opening and Welcome.

President Musi opened the meeting at 10:30 a.m., by thanking all the delegates in attendance as well as the observers for their presence. The President of the African Group communicated that the delegation of the Association of Congo had been blocked at the airport in Paris for visa problems. He announced that he was informed that Mr. Nsambayi Mutenda Lukusa had passed away the day before. He remembered the figure of Mr. Nsambayi Mutenda Lukusa, who was a fighter for the independence of the Judiciary of his country. He invited the Group to observe a minute of silence for him. He also informed the Group that he had sent, on behalf of the Group, a message of condolence to Mr. Isofa Nkanga, President of the Association of Congo.

Then, the President of the Group thanked the Association of Mexico for the perfect organization of the meeting of Mexico City and for the very cordial reception.

2. Approval of summary report of ARG meeting held at Kinshasa.

President Musi passed to examine the points on the agenda of the meeting. He asked whether delegates in attendance had remarks on this subject. No delegation presented an observation. He asked then if there were remarks on the minutes of the meeting of the Group in Kinshasa, distributed beforehand by the Secretariat. No remark was sent to the Presidency, or to the Secretariat. The minutes of the last meeting of the African Group in Kinshasa were approved unanimously.

3. President's Report

The President of the African Group underlined that his report concerned the period subsequent to Kinshasa up to the present. He recalled that nothing much important had happened since then except for what had happened at the level of the Presidency Committee.

He recalled that in August 2016 he had yet received another request from SYMCO-DRC for an invitation to the meeting of the Central Council. Due to the fact that he had received numerous requests in the past and had given the same reply i.e. that the IAJ recognized only one association per country, SYNAMAC was the association that was recognized, and he escalated the request to the members of the Presidency Committee. They all agreed that SYMCO should not be invited because they were not a member association. This was communicated to SYMCO.

President Musi gave the floor to the IAJ President, Mrs. Cristina Crespo, thanking her for the great work she had done for the IAJ. Mrs. Crespo welcomed all the delegates and exhorted them to go on in usual their way of facing the problems. She wished good work to the Group and she assured her constant support to it. She also thanked the Algerian colleagues for the help in contacting the Palestinian judges, who had presented an application to the IAJ, but it had not been possible to organise a visit in the country. She also recalled the difficult situation in Turkey, where the Association had been dissolved and two thousand eight hundred judges or prosecutors had been dismissed or imprisoned. She invited the African Group to support the Turkish colleagues.

Mr. Musi added that the African Economic Crimes Forum, which is a London-based multi-disciplinary, membership-based platform to facilitate professional networking, best practice, information sharing and a broader and better understanding of the nature and dynamics of financial crimes in Africa, had approached him to enquire whether the ARG wanted to participate in its activities. Membership for the group would be free of charge. He said to agree in principle subject to the decision of the group in Mexico. Africa is being ravaged by economic crimes, especially corruption. Any endeavor to eradicate it should be embraced without compromising our independence. After the meeting he will communicate the Group's decision to the Director of this organization. Their web address is www.afec-forum.org. Mr. Musi was in constant contact with its Director who is a Barrister in London and who communicated their intention to set up an headquarter in the north of

Africa and, in particular, in the West African regions. This Director had recalled to Mr. Musi the importance of being recognized as member of the African Union, as Ngo's to be consulted at that level. This organization was currently busy for the elections of his bodies. The Secretariat of the African Union wrote to him to wait until the elections in order to contact the new leadership.

As concerns Palestine, Mr. Musi recalled that in Algeria the African Group decided to pay the administrative fee, in order that a Rapporteur could visit the country, but there had been no further contacts with this Association. So he asked the colleagues from Algeria to contact our colleagues in Palestine, so that the process could go ahead.

President Musi announced that the colleagues from Sao Tomé, whose application for membership should be approved by the Central Council, were arrived. The colleagues of Mauritania, the other association whose application should be discussed in the Central Council, will arrive tomorrow.

The President of the Group also pointed out that the Association of Benin had paid in full the arrears of contributions.

He added that also the colleagues of Liberia had paid their administrative fee. The Rapporteurs had been appointed, Mr. Joemath from South Africa and Mr. Carter from the United States, but they had not visited the country yet. The presidency Committee will have to take a decision on this aspect in order to expedite the process, above all if nothing will happen in the next few weeks.

He also recalled the situation of our colleagues in Turkey and the reason for which they were wearing the badges. He said that the aims of the IAJ were not only to foster the Judicial independence, but also to support each other in times of need. Through the symbolic badge the members of the IAJ wanted to show their support to the Turkish colleagues. He invited the African colleagues to give the Turkish colleagues all the necessary support they needed.

Mr Musi insisted that African associations had to communicate more among them and to the exterior. Actually, in the I.A.J. web site there is a space dedicated to the African Regional Group, where national associations could post information on their activities.

He added that the central theme of the conference in Kinshasa was 'The fight against impunity in sexual assault cases'. He thanked again the colleagues of Congo for having organized such a successful meeting.

Following the President's report there was a large debate, in which all the delegates underlined the necessity of the communication between them and with the President of the Group, as mean to develop solidarity among them. The delegates also expressed the interest for the proposal of the Forum, because the corruption was a great problem in Africa.

President Musi thanked the delegates for the instructive inputs. Then he pointed out the importance of the communication, because, first of all, the African Group had to know the problem in order to study a strategy and also to intervene with a mission in the State. He recalled the situation of crisis between the Association and the Government in Niger and Mali, in which there was a successful intervention of the African Group. He also illustrated briefly the procedure to adopt a resolution by the African Regional Group or, if necessary, by the Central Council.

4. ARG member associations' reports.

Mr. Musi invited the Associations, and especially those which attended the meeting for the first time, to specify what are the developments in their country, their challenges and problems and also what kind of assistance of the IAJ they needed.

Algeria:

Mr. Aidouni took the floor to express his condolences for the death of the colleague of Congo. Then he welcomed the colleagues of Benin for their presence after a long absence. He also welcomed

the colleague from Liberia that wanted to join the Group. He added that there was nothing in particular to report after Kinshasa. There were some meetings of the Board of the Association dealing with socio-professional problems, because, after the economic crisis of their country, there were some negotiations with the Government in order to obtain an increase of the salaries. The Association was also preparing a new draft law on the statute of judges. Mr. Aidouni pointed out that according to the new Constitution the Association should be consulted by the Juridical Commission of the Parliament about the draft laws concerning civil society or judges. The Association also contributed to the discussion concerning some proposal of amendments to the Code of criminal procedure and the adoption of a law concerning the protection of minors and the crime of kidnapping. The Association also participated in the debate on the setting up of the Commission for the protection of the human rights and contributed to the designation of the Chief of the Surveillance Committee on the legislative, local and presidential elections. Finally, Mr. Aidouni pointed out that, in his country, there was a large debate on the abolition of death penalty.

Benin

Mr. Metonou, delegate of Benin, thanked all the colleagues for the warm welcome. He remarked that the Association had had some problems, because the previous Government had tried to reduce the influence of the other institutions. The Government had presented a draft law concerning the judicial system to the Parliament, but after a protest of the judges, the lawyers, the judicial clerks and the notaries, the National Assembly rejected it. After the elections in April, the new Government promoted the independence of the Judiciary. The judges had supervised in a successful way the organisation of the Presidential election. For the first time it was possible to know the results of the election a few hours after the vote. The new President of Niger presided over the High Council for the Judiciary, so to diminish the influence of the Executive power on that body. The new President set up a Committee, which included the President and the Vice President of the Association, in order to reform the Constitution of the country to promote the independence of the Judiciary. This Committee presented a report and the Association monitored the start of the procedure before the National Assembly, considering that a referendum should be held for the modification of the Constitution.

Ivory Coast

Mr. Ndri Mathurin, Secretary General of the Association of Ivory Coast, thanked the colleagues of Congo for the perfect organisation of the meeting in Kinshasa. As for the Association, he pointed out that in Ivory Coast there was the adoption of a new Constitution by the National Assembly. The Association was consulted during the works, but not all its advice was considered by the Assembly. The High Council for the Judiciary was not presided over by the President of the Republic. Concerning the Judiciary, the new bill provided for two institutions, the Supreme Court and the Court of Accounts, instead of three. The Supreme Court incorporated the Cassation Court and the Council of State. The Association tried to present some bill of amendments, but the National Assembly approved the draft law on the 30th October. Now there will be a referendum. He added that no other relevant facts occurred in the life of the Association.

Morocco

A delegate of Morocco expressed his condolences for the death of the Congolese colleague. He informed the assembly that after Kinshasa in Morocco there were the elections of the High Council for the Judiciary, in which the turnout was over 90 %, He communicated that the majority of the elected members belonged to its association. He added that the Hassania Association participated in and organised many seminars and training events. In particular, the President of the Association organised a seminar in Casablanca about the environment. The Association was preparing the agenda for the events of 2017.

Niger

The Deputy Secretary General of the Association of Niger, Mr. Aboubakar, expressed his regret not to have participated in the meeting of Kinshasa, because of problems of the flight. He explained that 2016 was an electoral year and the electoral procedure was conducted by the judges, who were appointed as Presidents of the Electoral Commission at the national and at the local level. The Association was consulted by the Commission of the General and National Affairs of the National Assembly about the questions concerning justice. He announced that the Association was in conflict with the Executive Power. He explained that the Statute of the Judges prevented the appointment of people who didn't provide the necessary impartiality to the judicial functions, but the Executive power appointed a former Director of the Cabinet of the President of the Republic as Head of the Council of State and a former Minister of economy and finance as President of the Court of Accounts. The Association organised protests against these appointments. It was a still pending issue, for which the Association called for the solidarity of the African Group. Regarding the Statute of judges, the Association, after a strike lasting 72 hours, prompted the Government to set up a Committee charged to revise the Statute of Judges, concerning some aspects, among which was the Power of the Minister of Justice to adopt heavy sanctions against the judges. The association was waiting for the transmission of the draft law to the Parliament, hoping for its approval.

Senegal

A delegate of the Association of Senegal said that the Executive Power expressed the willingness to develop justice in Senegal and had adopted a draft law concerning the High Council for the Judiciary, characterised by many innovations concerning the career of magistrates, their appointments, the right of appeal against the disciplinary sanctions. He added that a draft law concerning the revision of the Statute of judges, which dated back to 1997, was in progress and the Association was ready to fight in order that it could be approved by the Parliament. The Association participated in the work concerning the reform of the criminal code and the code of criminal procedure, the fight against terrorism and cybercrime. The Association was also trying to prompt the Executive Power to set up a training school for judges.

South Africa

A delegate from South Africa said that there was nothing new to report after Kinshasa.

Togo

The Vice president of the Association of Togo expressed, on behalf of the Association, his condolences to the President of the Association of Congo. He thanked the Mexican Association for the warm reception and the perfect organisation. He added that there was nothing in particular to say about the Association after Kinshasa. The Steering Committee of the Association was renewed and it intended to fight in order to improve the work and life conditions of the judges, also in cooperation with the two other associations of Judges of his country. Recently the Association obtained that the appointments of judges took place with the previous consultation of the interested persons.

Tunisia

Mrs. BenBelhassem, delegate of the Tunisian Association, informed the Group that on 23rd October there will be the first election of the members of the High Council for the Judiciary after the revolution and after the adoption of the new Constitution. She recalled that the Government presented a bill of law concerning the High Council for the Judiciary that did not comply with the provisions and the vision of the Constitution, which guaranteed the administration of Justice and the inspection on judges to this institution. This bill of law dealt with the administration of judges' career, without

providing for the recruitment and the training of the judges. The majority of the Parliament approved this bill of law. Under the pressure of the Association of Tunisian judges, the provisional body charged with determining the constitutionality of a law, declared unconstitutional the law on the High Council for the Judiciary, referring the law back to the Parliament. The Association would ensure that the new law could provide the best guarantees for the independence of the Judiciary. The Association was working to prepare a bill of law concerning the Statute of the Judges. The Association had organized a national scientific seminar concerning this issue. The Association was also preparing a code of ethics to be adopted by the High Council for the Judiciary. A reform in the criminal domain was adopted by the Government and the Association had protested because it was not consulted by the Executive Power. The Association had also presented a bill of law concerning the fight against corruption and the independence of the Public prosecutor, guaranteed by the Constitution.

Sao Tomé e Príncipe (observer)

A delegate of the Association of judges of Sao Tomè e Príncipe thanked the President of the Group for his invitation to the meeting. He announced that last year the Association had worked with the Government in order to increase the salary of judges and the security in the Court. In 2016 the Association organised a seminar about environment and the reform of justice, with the presence of the Portuguese speaking countries. The Association celebrated the establishment of a protocol with the Association of Brazil regarding trading for the judges and programs for procedure management.

Liberia (observer)

Mr. Willie Roosevelt, President of the National Association of trial judges of Liberia, took the floor by thanking the President of the Group for all his efforts in order to expedite the application for membership of his country. He explained that his association was well organised and had established a due payment. Each member was required to pay a certain percentage of his total income. The Association had an office and a staff working in this office. The Association had a good relationship with the Supreme Court Bench. He explained the in their system there wasn't the Appellate Court. They didn't have many Courts and so there were many pre-trial detainees, so that their rights were violated.

5. Monitoring

The President said that, as many will remember, in the past I.A.J. had two different categories of members: extraordinary and ordinary members. The African Group felt very strongly that this distinction had to be abolished. It was agreed within the Central Council that countries should complete a questionnaire every five years and for the first time in 2015. Unfortunately, many African countries have not completed the questionnaire and this subject has been discussed in Barcelona. He therefore invited associations to fill in the questionnaire and send it to the Secretariat-General. The risk that associations not complying with this requirement are running is that of being expelled from the I.A.J. He also added that the Associations were not obliged to answer to all the questions.

6. Possible name change to Union of African Judges

Mr. Musi said there was the proposal of the Moroccan Association to change the name of the Group into Union of African Judges.

A delegate of the Moroccan Association took the floor explaining that the name "African Group" diminished the value of this Group and it would be important to restructure it, by setting up a committee charged of helping the President in his work.

Mr. Aidouni supported the proposal, pointing out that the new name could underline that this was an organisation and not a Group, also in view of the application for membership of the African Union. The Union of African Group had to have a well-structured organisation.

Mrs. Kouassi, delegate of the Ivory Coast, took the floor to say that she didn't agree with the proposal, because the Group was a part of the IAJ and it wasn't necessary to change the name, with the risk of going out from the IAJ.

The delegate of the Association of Togo said to understand the aim of the Algerian and Moroccan colleagues, but he thought that becoming more autonomous from the IAJ could be dangerous and also not in accordance with the Statutes of the IAJ.

Mrs. Benbelhassen, delegate from Tunisia, took the floor to remark that the problem was not the change of the name, but the strengthening of the organization. She abstained from voting on the proposal.

Mr. Metonou, delegate of the Association of Benin voted against the proposal, which could cause imbalance in the structure of the IAJ.

A delegate of the Association of Niger said that the change of the name was not appropriate and it could not be in accordance with the Statutes of the IAJ

The Deputy Treasurer General of the Association of Benin proposed to postpone the decision, as not all the Associations were in attendance. She also remarked that the change was not appropriate and in accordance with the Statutes of the IAJ .

A delegate of the Association of Senegal took the floor to underline that it was not necessary the change of the name, but only to strengthen the structure of the Group.

The delegate of the Association of Liberia agreed with the change of the name.

Mr. Kahdroui Mohamed took the floor to underline that the change of the name concerned a different vision of the Group and of the working method.

Mr. Musi explained that the change of the name of the Group implied the amendment of the Statutes of the IAJ, but he noted that for now the majority was against the change of the name and so the decision was that the name remained as it was.

7. Committee to assist ARG President

Mr. Musi noted that from the discussion emerged the need to create a system by which the Group could be more efficient. So there was the need to establish a Committee with particular tasks, taking into account the different backgrounds of the African Associations, the different legal systems and the different languages. All the delegates agreed in principle with this view.

So the President proposed to create a Committee in order to study the composition, the powers and the functions of the Committee that had to assist the President of the Group. This Committee was charged with preparing a report and send it to all the Associations, so that they could enrich the report, to be adopted formally at the meeting of the Group. He asked if there were any objections. No delegation presented observations. Mr. Kahdroui Mohamed, from Morocco, Mr. Aboubacar Nouhou, from Niger and Mr. Lamine from Togo, as volunteers, were charged to prepare a report in English, French and Portuguese, to be sent to the IAJ Secretariat at the beginning of March 2017. The IAJ Secretariat will send it to the African Associations.

8. Venue of next meeting

Mr. Musi recalled that the Association of Mali wanted to host the meeting of the African Regional Group, but unfortunately there were some problems in this country and this candidature failed.

The delegate of Tunisia said that her Association had the intention to organise the next meeting of the African Group, but she hadn't the competence to decide and she needed to consult the steering committee.

Mr. Musi invited the Tunisian colleagues to get a complete mandate from the Board by Wednesday. If the Association of Tunisia had problems, the Group will study an alternative plan.

9. Finance

Mr. Musi illustrated the Assembly the situation of the Group's budget: it may count on reserves and an annual assignment for a total amount of more than 16,000 Euro (enclosure n. 1). He added that, just for this year, the Presidency Committee had decided to allocate to each Regional Group the amount of 8,000 Euro instead of the regular allocation of 3,000 Euro.

10 Miscellanea

Mr. Musi asked if there were issues to be dealt with under miscellanea.

The delegate of Tunisia evoked the universal periodic review at the United Nations Human Rights Council concerning Tunisia that will be held in two months. The Association of Tunisia had prepared and filed a report concerning the lack of reforms or the unconstitutional laws adopted by that country. The Association also took part in drafting a report with the civil society representatives. The civil society representatives could speak just for a few minutes before the assembly and so the Association asked the IAJ, which was member of this international institution, to take the floor and support the requests of the Tunisian Association.

President Musi finally thanked all the participants for their attendance and the IAJ Secretariat General for the assistance provided.

The meeting was closed at 4.30 p.m.

The Deputy Secretary General
Lucio Aschettino

The President
Cagney Musi